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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,237	11/07/2001	Moon-Young Kim	12777.11US01	6969

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EXAMINER

CHOWDHURY, SUMAIYA A

ART UNIT PAPER NUMBER

2623

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/008,237	<b>Applicant(s)</b> KIM, MOON-YOUNG	
	<b>Examiner</b> Sumaiya A. Chowdhury	<b>Art Unit</b> 2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

***Claim Objections***

1. Claim 6 is objected to because of the following informalities:

In claim 6, line 7, change "sequeuntly" to --sequently--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 6 is rejected under 35 U.S.C. 102(e) as being anticipated by Picco (6029045).

As for claim 6, Picco discloses an advertising method by using an STB for:

providing a digital STB in which contents of an advertisement ordered by an advertiser who paid an advertising rate is stored to a viewer by a broadcasting company, the digital broadcasting STB being produced by order from the broadcasting company, and the digital broadcasting STB including the contents of the advertisement – col. 2, lines 59-67;

sequently displaying the advertisement of the advertiser on a television screen of the viewer – col. 13, line 65- col. 14, line 16.

an advertising method by using a digital broadcasting set-top box, comprising:

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Picco (6029048) in view of Hamano (US 2002/0166127)

As for claims 1 and 3, Picco teaches a digital broadcasting set-top box comprising:

a tuning section (180 – Fig. 7) for tuning a radio frequency digital broadcasting stream – col. 11, lines 18-26;

a demultiplexer (184 – Fig. 7) for separating an audio data, a video data, and an information data from the radio frequency digital broadcasting stream – col. 11, lines 33-38, lines 44-48;

a decoding section (182 – Fig. 7) for decoding the information data – col. 11, lines 25-35;

a storing section (186 – Fig. 7) for temporary storing the decoded information data – col. 11, lines 35-44;

an advertisement data processing section (188 – Fig. 7) for searching an advertisement data among the decoded data storing in the storing section, and confirming a displaying time of the advertisement data – col. 11, lines 43-44, lines 49-52, col. 12, lines 40-44;

a graphic processing section (194 – Fig. 7) for converting the advertisement data processed by the advertisement data processing section and the information data to an image data – col. 12, lines 29-36; and

a synthesizing section for synthesizing the image data and a video data decode by a media decoder – (Fig. 10; col. 12, lines 40-49, col. 13, line 66 – col. 14, lines 13, col. 5, lines 49-60, col. 8, lines 10-22).

However, Picco fails to teach the advertisement data processing for updating the searched advertisement data.

In an analogous art, Hamano teaches the searched advertisement data is updated by the process as disclosed in Fig. 2 – [0028].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Picco's invention to include the above mentioned limitation, as taught by Hamano, for the advantage of providing the user with the sufficiently current advertisement.

Claim 2 is analyzed with respect to claim 1. Picco further discloses:

an advertisement data storing section (186 – Fig. 7) for storing the advertisement data – col. 11, lines 35-44.

an advertisement data interpreter provide with a solution which interprets a displaying time (appropriate time) and an attribute (targeted advertising) of the advertisement data stored in the advertisement data storing section – col. 12, lines 39-57.

The limitations “ an updating controller for searching whether the advertisement data is updated or not; and an storing section for storing the advertisement data and the updated advertisement data by the updating controller” is met by Hamano (see 401 & 403 – Fig. 4, [0028], [0032] – [0033], [0047])

As for claim 4, Picco discloses:

loading the advertisement data stored in the storing section and searching an attribute of the advertisement data – col. 6, lines 24-41;

However, Picco fails to teach:

determining whether the advertisement data is updated or not by determining a version and priority of the advertisement data by an updating program installed in a updating controller;

determining whether a data owner is who has an updating authority by using a security and authentication method;

determining a reliability of the advertisement data by an updating program installed in an updating controller.

storing an updated advertisement data in the advertisement data storing section.

In an analogous art, Hamano teaches:

determining whether the advertisement data is updated or not by determining a version and priority of the advertisement data by an updating program installed in a updating controller– (A test is performed to ensure that the commercial is sufficiently current. This reads on determining the version. The version is associated with priority since an updated version has priority over an obsolete version. Since a test is performed on the commercial, there is an updating program installed. - [0028])

determining a reliability of the advertisement data by an updating program installed in an updating controller – (If the ads meet certain criteria/attribute, then the system updates the ads – [0028])

storing an updated advertisement data in the advertisement data storing section (403 – Fig. 4). – [0028]

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Picco's invention to include the above mentioned limitations, as taught by Hamano, for the advantage of providing the user with the most current advertisement rather than an obsolete advertisement.

However, Picco and Hamano fail to teach:

determining whether a data owner is who has an updating authority by using a security and authentication method;

The Examiner takes Official Notice that it is well known to determine whether a data owner is who has an updating authority by using a security and authentication method. This reads on a household which has multiple users who log on to access their account through a set-top box.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Picco and Hamano's invention to include the above mentioned limitation for the advantage of allowing only authorized users to access their respective account.

As for claim 5, Picco teaches wherein the converting step comprises the steps of:

- a) reading a displaying time information of the advertisement data – (local content data inserted at appropriate times – col. 12, lines 40-55);
- b) determining a starting time when the advertisement data is began to be displayed on a television screen in accordance with the displaying time information – (local content data inserted at appropriate times – col. 12, lines 40-55);
- c) interpreting a data schedule, a data format and a graphic processing method of the advertisement data by a program installed in an advertisement information interpreter – col. 6, line 65 – col. 7, line 5;
- d) converting the advertisement data into an image data to be displayed on the television screen based on the interpreted information – col. 12, lines 29-36; and
- e) displaying the advertisement data on the television screen so that the displaying time of the converted advertisement data is always checked – (The advertisement data is inserted into the stream and displayed at the appropriate time. Therefore the displaying time of the converted advertisement data is always checked – col. 12, lines 40-44).


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC

  
**HAITRAN**  
**PRIMARY EXAMINER**